

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 13-cv-12695**

**ALEX J. CORBETT**

**Plaintiff,**

**V.**

**CITY OF BOSTON, LUDWIG CASTILLO and  
CRT FOOD & BEVERAGE  
Defendants.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, the Defendants, City of Boston, Ludwig Castillo and CRT Food and Beverage (“Defendants”) hereby petition for the removal of the action entitled, Alex J. Corbett v. City of Boston, Ludwig Castillo and CRT Food and Beverage, Docket No. SUCV2013-03506, from the Suffolk Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, where it is currently pending.

As reasons for this petition, the Defendants state as follows:

1. This action, brought pursuant to 42 U.S.C. § 1983, alleges *inter alia*, that City of Boston police officers Ludwig Castillo violated the Plaintiff’s civil rights under the United States Constitution and the Massachusetts Declaration of Rights. The Plaintiff alleges that his arrest was unlawful and affected by means of excessive force. For the alleged constitutional violation, the Plaintiff seeks both compensatory and punitive damages. (See Plaintiff’s Complaint, attached hereto as Exhibit “1”).
2. The Plaintiff’s claims for relief clearly arise under the Constitution, treaties or laws of the United States and therefore is subject to removal under 28 U.S.C. § 1441(b).

3. A fair reading of the facts and theories as a whole makes it apparent that federal constitutional law and issues are essential to this case and therefore the Defendants have a statutory right to remove this action.
4. This Notice of Removal is being filed within thirty days after the City of Boston was served with the Plaintiff's Complaint. The City of Boston was served on October, 7, 2013 with the Plaintiff's Summons. (See Plaintiff's Summons attached hereto as Exhibit "2").
5. Co-Defendant CRT Food and Beverage consents to the removal.

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Respectfully submitted,  
DEFENDANTS, CITY OF BOSTON AND  
LUDWIG CASTILLO  
By their attorneys,

William F. Sinnott  
Corporation Counsel

/s/ Erika P. Reis  
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DEFENDANT, CRT FOOD AND BEVERAGE  
By its attorney:

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Date: October 24, 2013

**CERTIFICATE OF SERVICE**

I, Erika P. Reis, hereby certify that on this date I served a copy of the foregoing document via mail to counsel for the Plaintiff and Co-Defendant:

Jonathon D. Friedman  
John D. Moorman  
Andrew J. Shiro  
Rudolph Friedman LLP  
92 State Street  
Boston, MA 02109

Dated: October 24, 2013

/s/ Erika P. Reis

Erika P. Reis